

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Inventor(s) : Guillermo J. Tearney et al.
Serial No. : 10/542,966
Filed : December 19, 2005
For : MICROSCOPE OBJECTIVES
Examiner : Brandi N. Thomas
Art Unit : 2873
Confirmation No. : 2595

Assistant Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

RESPONSE TO RESTRICTION REQUIREMENT

SIR:

This paper is filed in response to the Restriction Requirement dated March 13, 2008. Initially, please consider the arguments as set forth below.

I. INTRODUCTION

Claims 1-40, 75 and 109 are under consideration in the present application.

II. RESTRICTION REQUIREMENT

In the Office Action, the Examiner states that certain groups of claims of above-identified application are allegedly distinct from one another. For such reason, the Examiner believes that the restriction of claims is proper, and now requires Applicants to elect a single disclosed species, for each of the features for the following Species:

Species I as allegedly drawn to Figs. 1(a) and 3;

Species II as allegedly drawn to Figs. 1(b) and 4;

Species III as allegedly drawn to Figs. 2(a); and

Species IV as allegedly drawn to Fig. 2(b).

Applicants respectfully submit the separation of Figs. 2(a) and 2(b) into separate species is inappropriate. In particular, the specification of the present application describes Fig. 2(a) as showing an exemplary embodiment of a distal portion of the miniature microscope probe head in a first position, and Fig. 2(b) as showing such distal portion in a second position. (See Specification, e.g., p. 6, Ins. 10-13). Thus, these drawings (i.e., Figs. 2(a) and 2(b)) are directed to the same species, are to be combined into new Species III, and should not be separated. With that in mind,

Applicants hereby elect new species III (i.e., should be drawn to Figs. 2(a) and 2(b)). Claims 1-15, 39, 75 and 109 encompass the selected species, and thus as elected for prosecution on the merits. Applicants reserve the right to pursue the non-elected claims in this application and/or one or more applications claiming priority from the present application.

Accordingly, the Restriction Requirement contained in the Office Action is now moot, and should therefore be withdrawn.

III. CONCLUSION

In light of the foregoing, Applicants respectfully submit that the pending claims are in condition for allowance. Prompt reconsideration and allowance of the present application are therefore earnestly solicited. The Examiner is invited to contact the undersigned to expedite the prosecution of this application if any issues remain outstanding.

Respectfully submitted,

Date: April 10, 2008

By: 


Gary Abelev
Patent Office Reg. No. 40,479

DORSEY & WHITNEY, L.L.P.
250 Park Avenue
New York, New York 10177

Attorney for Applicants
(212) 415-9371